IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.4655 of 2006

Shri Shakti LPG Ltd. .. .. Petitioner
v/s.
The Union of India & ors. .. .. Respondents

Mr.Prakash Shah i/by M/s.PDS Legal for petitioner.
Mr.A.J.Rana with Ms.S.V.Bharucha for respondents.

CORAM : H.L. GOKHALE &
V.R. KINGAONKAR, JJ.

DATED : 9th August 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. The petitioner herein had imported the iron metal plates way back in 1996. They have been lying in the godown of the Warehousing Corporation all these years. After giving all opportunities to the petitioner, finally the respondents have held the auction. However, during the pendency and finalisation of that auction, the present Petition has been filed by the petitioner by making a request that now a foreign buyer is available to the petitioner and the petitioner would like to re-export the goods which have been imported.

3. Mr.Rana, learned Counsel appearing for the

respondents, has taken instructions and has placed it on record that though the auction had been held, during the intervening period the successful bidder withdrew his bid.

4. The petitioner has filed an Affidavit placing it on record as to how much amount of the petitioner is presently lying with the Authorities of the respondents. He has deposited a security amount to the tune of Rs.9,49,848/- and advance customs duty of Rs.98,62,051/-. In the Affidavit, he has accepted that in the event he fails to export within one month from the receipt of the certified copy, the respondents are at liberty to auction the goods and he will not raise any objection whatsoever. That apart he has also stated that it will be open to the respondents to adjust all their claims towards the amounts which are lying with them and has also undertaken that in the event there is any shortfall upto to the date of re-export, that will be made good on demand. We accept the undertakings contained in the Affidavit of Mr.D.V. Manohar, who is the Director of the petitioner-Company and in view thereof, the respondents will permit the petitioner to re-export the iron metal plates which have been lying in the godown of the

Warehousing Department.

5. We therefore direct that this re-export will have to be done on or before 14th September 2006, failing which all the claims of the petitioner in the goods concerned for claiming them will come to an end and it will be open to the respondents to auction them without any hindrance whatsoever.

6. Needless to state but we add by way of caution that in view of the time limit imposed on the petitioner, the respondents will also process its papers expeditiously so that in following the formalities no difficulties should arise.

7. In view of the above, the Petition stands disposed of.

(H.L. GOKHALE, J.)

(V.R. KINGAONKAR, J.)